

## Coast Guard, DHS

## § 25.805

may be approved or paid in an amount that exceeds \$1,000.00.

### Subpart G—Article 139, Uniform Code of Military Justice

AUTHORITY: 10 U.S.C. 939; 49 CFR 1.46(b).

#### § 25.701 Scope.

This subpart prescribes the requirements for the administrative settlement of claims under Article 139, Uniform Code of Military Justice, 10 U.S.C. 939, against military members of the Coast Guard for damage to property willfully caused by them or loss of property wrongfully taken by them.

#### § 25.703 Claims payable.

A claim for damage to or loss of real or personal property caused by a military member of the Coast Guard is payable under this subpart when the damage or loss results from:

- (a) Willful or intentional acts;
- (b) Wrongful taking; or
- (c) Riotous, violent, and reckless conduct or acts of depredation by an individual or group that evidences willfulness.

#### § 25.705 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Is for death or personal injury;
- (b) Results wholly or partly from the grossly negligent, or reckless act of the claimant, claimant's agent or employee;
- (c) Is a subrogated claim;
- (d) Is for damage to or loss of property owned by the United States or property of a Nonappropriated Fund Activity;
- (e) Results from negligence;
- (f) Is for indirect or remote damages;
- (g) Is for damage to or loss of property resulting from the act or omission of a member of the Coast Guard acting within the scope of the member's employment;
- (h) Extends to damage or loss that results from the owner's failure to mitigate damages; or
- (i) Has been paid by a third party.

#### § 25.707 Time limitation on claims.

A claim may be settled only if presented within 90 days after it accrues unless good cause is shown for the delay.

#### § 25.709 Assessment limitation on claims.

A claim is permitted in any amount; however, this subpart prohibits any assessment that exceeds one-half of one month's basic pay against the pay of any offender.

### Subpart H—Pollution Removal Damage Claims

AUTHORITY: 33 U.S.C. 1321(j)(1)(A); 33 U.S.C. 1321(1); EO 11735, sec. 5 (a), (b)(3); 49 CFR 1.46(m).

#### § 25.801 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV of the National Contingency Plan, under the Federal Water Pollution Control Act, as amended. 33 U.S.C. 1321.

#### § 25.803 Claims payable.

A claim for damage to or loss of real or personal property is payable under this subpart if:

- (a) Caused by the United States, its employees, agents or contractors during containment, countermeasures, cleanup, mitigation, and disposal activities under the National Contingency Plan; and
- (b) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable.

#### § 25.805 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Is for death or personal injury; or
- (b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a United States or foreign public vessel or federally controlled facility.